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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION THREE

In re LOGAN L. et al., Persons Coming Under the Juvenile Court Law.	B291011
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES,  Plaintiff and Respondent,  v.  ANGELA M.,  Defendant and Appellant;  RAY C.,  Defendant and Respondent.	Los Angeles County Super. Ct. Nos. 18CCJP01490A–B

APPEAL from an order of the Superior Court of  
Los Angeles County, Pete R. Navarro, Juvenile Court Referee.  
Affirmed.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant Angela M.

Konrad S. Lee, under appointment by the Court of Appeal, for Defendant and Respondent Ray C.

No appearance for Plaintiff and Respondent.

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## **INTRODUCTION**

Angela M. and Ray C. are the parents of a child who was declared a dependent of the juvenile court. During the dependency proceeding, Ray obtained a three-year restraining order against Angela. The order prohibits Angela from contacting Ray and requires her to stay away from him. Angela appeals, contending she did not abuse or harass Ray. Because substantial evidence supports the issuance of the restraining order, we affirm.

## **BACKGROUND**

Angela has two children, Logan and Olivia. Logan was born in 2002 and Olivia was born in 2012. Jeffrey L. is Logan's father; Ray is Olivia's father.

The family came to the attention of the Department of Children and Family Services (Department) in early March 2018 after receiving a referral alleging Angela had neglected Olivia. The referral explained that Angela left Olivia with a friend who was hospitalized after smoking methamphetamine and eating marijuana brownies. The friend's home was strewn with trash and smelled of dog urine. At the time of the referral, Angela had full custody of Olivia. The Department responded by filing a petition to declare Logan and Olivia dependent children of the

juvenile court under Welfare and Institutions Code<sup>1</sup> section 300, subdivisions (a) [engaging in violent altercations in front of Olivia], (b) [endangering the children because of Angela's substance abuse and the parents' domestic violence], and (j) [leaving Olivia with a caretaker who was under the influence of methamphetamine and marijuana].

On March 7, 2018, the court detained the children and removed them from Angela's custody. Logan and Olivia were placed with their respective fathers. The court also issued a temporary restraining order prohibiting Angela from contacting Ray. At a subsequent hearing, the court re-issued the temporary restraining order.

The Department filed a jurisdiction/disposition report on April 24, 2018, describing interviews with Ray, Angela, Jeffrey, and the children. Ray told a social worker that in December 2017, Angela spit on her hand and slapped Ray across the face. Ray also reported that on February 22, 2018, Angela threatened to "bury" him after he refused to give her money. And, on February 25, 2018, Ray and Angela got into an altercation after he accused her of buying drugs from a man named "Bear," a known drug dealer. Angela responded to Ray's accusation by calling Ray an asshole and pushing Ray's "head off of [his] shoulders." Angela also threatened to call in a false Amber Alert if Ray took Olivia for his scheduled visit. After Ray tried to call the police to have Bear's car searched for drugs, Angela told Bear to leave before the police arrived. When Ray tried to leave, Angela ran after him, hit his neck, and told Olivia to block Ray's car. Angela caught up

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<sup>1</sup> All undesignated statutory references are to the Welfare and Institutions Code.

with Ray, stood in front of his car, and sat Olivia on the hood of the car so Ray could not leave. Angela admitted hitting Ray but claimed she did so only after Ray hit her first.

The Department recommended sustaining the petition and allowing the children to remain with their fathers with monitored visitation for Angela. In a last minute information to the court in June 2018, the Department reported that Angela was abusive, agitated, threatened its social workers, and failed to provide specimens for drug testing.

The court conducted an adjudication hearing on June 19, 2018. Angela failed to appear at the hearing and her counsel's request for a continuance was denied. The court sustained all the allegations in the petition except for the allegations under section 300, subdivision (a). As requested by the Department, both children were removed from Angela's custody and released to their respective fathers. Angela's visits with Olivia were to be monitored by a Department-approved monitor; Ray was not to monitor the visits.

Towards the end of the adjudication hearing, Ray's counsel requested that the temporary restraining order against Angela be made permanent based on her continuing threats and the allegations set forth in the Department's report. The court granted the request and issued a three-year restraining order. The order requires Angela to stay away from Ray and not contact him until June 2021. This appeal followed.

## DISCUSSION

Angela's sole contention on appeal is that the court abused its discretion in issuing the three-year restraining order protecting Ray. We disagree.

Section 213.5, subdivision (a), permits a juvenile court to issue an order enjoining any person from "molesting, attacking, striking, stalking, threatening, ... harassing, ... contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of any parent ... ." Section 213.5 has been analogized to Family Code section 6340, which governs restraining orders under the Domestic Violence Prevention Act (DVPA). (See *In re C.Q.* (2013) 219 Cal.App.4th 355, 363–364; *In re B.S.* (2009) 172 Cal.App.4th 183, 194.) That statute "permits the issuance of a protective order under the [DVPA] in the first instance, if 'failure to make [the order] may jeopardize the safety of the petitioner ... .' (Fam. Code, § 6340, subd. (a); see also Fam. Code, § 6320.)" (*In re B.S.*, at p. 194.) In determining whether to issue the restraining order, the court may review and consider the contents of the Department's file, including the caseworker's written reports. (Cal. Rules of Court, rule 5.630(d)(1).) A restraining order issued after notice and hearing may remain in effect up to three years. (§ 213.5, subd. (d)(1).)

An appellate court applies the substantial evidence standard of review to the trial court's factual findings in support of the order (*Sabbah v. Sabbah* (2007) 151 Cal.App.4th 818, 822), and an abuse of discretion standard to review the grant or denial of the restraining order. (See *Gonzalez v. Munoz* (2007) 156 Cal.App.4th 413, 420.) The trial court abuses its discretion when its ruling exceeds the bounds of reason. (*Ibid.*)

In this case, the Department's reports cited several instances of Angela physically attacking Ray, threatening to "bury" him, blocking him from leaving, and placing Olivia on the hood of Ray's car to prevent him from driving away. The Department also noted Angela's volatile and unstable behavior. And Angela admitted hitting Ray.

To be sure, Angela contends these events did not occur in a vacuum—Ray had abused her in the past and she acted in self-defense. But in reviewing the propriety of the juvenile court's decision, we do not resolve factual issues de novo, as Angela invites us to do. When an appellate court is resolving attacks on the sufficiency of the showing made in the trial court, the reviewing court must consider the entire record to determine whether substantial evidence supports the trial court's order. (See *Bowers v. Bernards* (1984) 150 Cal.App.3d 870, 874 (*Bowers*).) We must resolve all conflicts in favor of the respondent, and indulge all legitimate and reasonable inferences to uphold the challenged order. (*Bickel v. City of Piedmont* (1997) 16 Cal.4th 1040, 1053.) The trial court's resolution of these factual determinations is to be upheld, so long as the record contains substantial evidence to support it. (See *Winograd v. American Broadcasting Co.* (1998) 68 Cal.App.4th 624, 632.)

So viewed, the record provides ample support for the juvenile court's order. That the court could, perhaps, have believed Angela's contrary evidence, or issued other orders, does not demonstrate error on appeal. (See *Bowers, supra*, 150 Cal.App.3d at p. 874.)

**DISPOSITION**

The order is affirmed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

EGERTON, J.